CLASSIFICATION OFFICE DECISION

Title of publication:	Cbx007.jpeg
Other known title(s):	Not stated
OFLC ref:	1601002.003
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	17 February 2017
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	17 February 2017

Summary of reasons for decision:

The publication is a computer image file which consists of 16 thumbnail images taken from a video, explicitly depicting a young woman engaging in sexual activity with a largely unseen male. The Classification Office has considered whether the image file promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes in terms of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993, and concluded that it does not. The subject has a youthful appearance; she could be a young person, but could equally be an adult. It is not possible to determine her age with confidence. The computer image file does however explicitly depict sexual activity. Such material is likely to adversely affect children and teenagers' development, as they are still in the process of forming their attitudes toward sex and developing their understanding of sexual behaviours. It is therefore restricted to adults. While this restriction limits the right to freedom of expression afforded by the New Zealand Bill of Rights Act 1990, it is considered reasonable and demonstrably justifiable in the interest of preventing likely injury to the public good.